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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,938	04/16/2001	Mark Vange	CIRC016	5611
25235	7590	02/09/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202				SONG, HOSUK
ART UNIT		PAPER NUMBER		
		2135		

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/835,938	VANGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hosuk Song	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 April 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5-8,10-12,14-18,20 is/are rejected.  
 7) Claim(s) 4,9,13,19 and 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09835938</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5-8,10-12,14-18,20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah(US 6,529,948).

Claims 1,5: Bowman disclose providing a network and a shared network server coupled to the network, the shared network server having a fixed quantity of resources for responding to network requests in (fig.24 and col.114,lines 6-31). Bowman disclose providing a constellation of front-end servers within the network and using the front-end servers to receive requests destined for the shared network server in (col.33,lines 22-37 and fig.121). Bowman discloses forwarding the received requests from the front-end servers to the shared network server at a governed rate in (fig.180-181).

Claim 2: Bowman disclose governed rate is selected to present requests at a rate that will prevent overwhelming the fixed quantity of resources within the shared network server in (col.114,lines 23-32).

Claim 3: Bowman discloses coupling a management server to each of the front-end servers and communicating metrics between the front-end servers and the management server in (fig.24,26,30). Bowman discloses using the metrics to detect a denial of service attack targeted at the shared network server in (col.82,lines 4-64).

Claim 6: Bowman disclose detecting a denial of service attack targeted at the shared network server and preventing the act of forwarding the received requests in response to detecting the DoS attack in (col.81,lines 10-65;col.82,lines 4-42).

Claim 7: Bowman discloses a request processing component deployed within a network, the request processing component having an interface configured to receive requests on behalf of the shared network server in (fig.73,74). Bowman disclose a rate control component coupled to the request processing component, the rate control component comprising program and data structures operable to selectively forward received requests to the shared network server at a rate selected to prevent the shared network server from crashing or undesirably busy in (col.114,lines 23-23-32 and fig.15,16).

Claim 8: Bowman disclose a DoS attack detection component coupled to the request processing component and the rate control component and operable to monitor request metrics from the request processing component and provide configuration information to the rate control component in (col.81,lines 10-67 and fig.16).

Claims 10-11: Bowman discloses a plurality of front-end servers deployed throughout a network, wherein the front-end servers are configured to implement the request processing component and the rate control component in (fig.40). Bowman disclose a management server coupled to each of the front-end servers, the management server including mechanisms to send configuration information to the front-end servers and receive request processing metrics from the request processing component in (fig.23,26).

Claim 12: Bowman discloses mechanisms within the front-end servers operable to detect a denial of service attack in (col.81,lines 10-65;col.82,lines 4-42).

Claims 14,15: Bowman discloses providing a shared network resource coupled to a public network and receiving requests from the public network in (fig.139,150). Bowman

disclose providing a plurality of front-end servers, each having a unique network address and coupled to the shared network resource and assigning a plurality of front-end servers to the shared network resource, wherein the aggregate request processing capacity of the assigned front-end servers is greater than the request handling capacity of the shared network resource in (col.114,lines 23-32). Bowman disclose causing requests for the shared network resource to be redirected through one of the front-end servers and forwarding the requests from the front-end server to the shared network resource at a rate selected to inhibit a likelihood of a crash or an undesirable level of business in (col.114,lines 23-23-32 and fig.15,16).

Claims 16-17,18,20: Bowman disclose in event of a denial of service attack comprising a plurality of malicious requests involving the shared network resource, causing at least some of the malicious requests to be ignored by the front-end servers in (col.81,lines 10-65;col.82,lines 4-42).

***Allowable Subject Matter***

2. Claims 4,9,13,19,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

*[Signature]*